

**DEPARTMENT OF INDUSTRIAL RELATIONS**455 GOLDEN GATE AVENUE
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P.O. Box 603
San Francisco 94101Introductory Statement by Donald Vial
Director of Industrial Relations

Good morning. I am Donald Vial, Director of the Department of Industrial Relations and the designated state official responsible for the overall operations of the California Occupational Safety and Health Program (CAL/OSHA). With me as my invited guest is the Regional Administrator of the Federal OSHA program, Gabriel Gillotti, who will participate fully in the questioning of witnesses along with Peter Weiner, DIR's Chief Counsel.

In July this year, it was discovered that a number of workers exposed to DBCP at Occidental Chemical Company in Lathrop, California, are now sterile or near-sterile. After an intense investigation, which uncovered strong evidence that DBCP may also be a potent cause of cancer, state action was taken to ban the manufacture, formulation, compounding and further sale and use of all DBCP products in California. The federal government followed suit with the Environmental Protection Agency moving against registration and federal OSHA simultaneously issuing a temporary emergency standard which imposes strict protective controls over any future use of DBCP in the U.S. Most recently, the CAL/OSHA Standards Board adopted regulations that mirror the federal standards.

The significance of all of this activity to the present inquiry is that it occurred within a span of only a few months some 20 years after the development and introduction of DBCP. Despite early warnings at the time of introduction, the marketing of this economic poison apparently outweighed any consideration for the protection or well-being of the workers involved in its production and formulation into products for agricultural use. We still do not know very much about its affect on workers who have been exposed at the point of application and use of DBCP.

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What is painfully clear at this time is that our system of controls for toxic substances has failed the affected workers, and perhaps many more still to be identified. No amount of "compensation" will make these people whole or remove the uncertain future that they and their families must confront daily.

Corporate, scientific, and government responsibility are at issue in this inquiry, and they must be clearly identified. DBCP, however, is but one wave in a vast sea of toxic chemicals which have become an integral part of our production processes. With 20-20 hindsight, what we are able to learn from this most recent tragedy must significantly improve our ability to protect workers and prevent future harmful exposure to other toxic chemicals.

This inquiry, therefore, is dedicated to finding constructive solutions to the immense occupational health problems which we now face in countless workplaces. It is my responsibility to assure that the California OSHA program protects and enhances the working environment. We are extremely fortunate in having the active cooperation of industry, the scientific and medical community, and all affected branches of state and the federal government in this inquiry.

Let me review briefly the agenda for the four days before calling the first witness:

First Day, October 12, 1977

On the first day, the inquiry will develop what we know now about DBCP in the context in which the hazards surfaced, the focus being on the identification of critical gaps in the overall monitoring system for dangerous chemicals like DBCP. Testimony will be received from key individuals in the health and safety components of the OSHA program and the division of pesticides of the State Department of Food and Agriculture, from the Labor Occupational Health Project at Berkeley, from the Occidental Chemical Company, and from workers directly affected.

Second Day, October 13, 1977

The second day will focus on the circumstances surrounding the introduction of DBCP into the production process, with emphasis on the early warnings about the chemical and the failure to heed those warnings for the protection of workers under regulatory systems oriented primarily toward the marketing and "end-use" of economic poisons and other dangerous chemicals. Attention will be directed also to what has been learned from DBCP experience. Testimony will be received from corporate officials and scientists from the two leading manufacturers of DBCP -- Dow Chemical and Shell Chemical companies.

Third Day, October 18, 1977

On the third day, testimony will focus on the details of specific research undertaken with DBCP. In this connection, the inquiry will examine the relationship between the private and public aspects of such research, with emphasis on the requirements for tracking the epidemiology of potentially dangerous substances in order to prevent developments like DBCP. The role of university-linked research will receive special attention. Testimony will be taken from public and private researchers who have been directly involved with DBCP and from others who are intimately familiar with the subject matter.

Fourth Day, October 19, 1977

The fourth day will be devoted to recommendations for bridging the gaps identified. This session will cover recommendations dealing with the monitoring of early warnings, the deficiencies in occupational epidemiological research related to the early warnings, and the interface between university training and research and both OSHA and employer monitoring responsibilities. Particular attention will be given to developing a readily accessible research repository on hazardous chemicals introduced into the working environment and to the upgrading of occupational health training and related research in University of California medical and public health schools. Testimony will be received from public health officials and key individuals from medical centers, as well as others concerned with the need for remedial action.

Introduction of First Witness